

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SHERRY P.¹,

Plaintiff,

v.

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

Case No. 3:18-cv-00089-JE

OPINION AND ORDER

MOSMAN, J.,

On August 26, 2019, Magistrate Judge John Jelderks issued his Findings and Recommendation (“F&R”) [16], recommending that the Commissioner’s decision be REVERSED and this case be REMANDED for further proceedings. Neither party objected.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal

¹ In the interest of privacy, this opinion uses only the first name and the initial of the last name of the nongovernmental party in this case.


conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Jelderk's recommendation and I ADOPT the F&R [16] in full. I REVERSE the Commissioner's decision and REMAND this action for further proceedings consistent with this order.

IT IS SO ORDERED.

DATED this 13 day of September, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge